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1744

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Frank L. Bruno et al

Serial No.: 10/092,523

Group Art Unit: 1744

7
18.

Filed: 03/08/2002

For: UNIVERSAL VACUUM EXTENSION KIT

Examiner: SNIDER, THERESA T.

10/21/03

NOTICE RE EXPRESS ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In an effort to make a prompt disclosure to the Patent and Trademark Office of a problem that may exist in the prosecution of this application, I am informing the Patent and Trademark Office that:

I was appointed Attorney of Record by your applicant to prosecute this application.

As the attorney of record I filed an "Express Abandonment" in this application on 20 August 2003.

I have now been informed that:

A) as the result of court proceedings in a bankruptcy matter, this application became the property of a third party due to its being associated with its parent Patent No. 6,378,166;

B) because the transfer of title in the court proceeding occurred prior to my "Express Abandonment" I did not have the authority to expressly abandon this application;

C) the express abandonment was considered to be "void ab initio" and of no effect;

THEREFORE

D) if the transfer of property rights took place by operation of law to remove my authority to file an "express abandonment," then I assume that it would also preclude my taking any other action in this case;

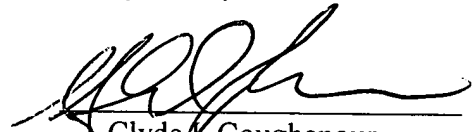
E) if there is a new owner or trustee for it, any further prosecution in this application appears to be the responsibility of its new owner or trustee commencing with the date of transfer of ownership;

F) I do not have a clear understanding as to my legal responsibilities with respect to this application.

While not conclusive as to whom specific ownership of this application belongs at the present time, attached are copies of a "Motion ..." in the Colorado Bankruptcy Court by trustee Paul T. Gefreb and a letter provided to me from Jennifer M. McCallum, Esquire who, as understood is working with Mr. Gefreb, addressing the present issue.

It is believed that there are no fees due for filing this paper. In the event that any fees are due, the Commissioner is authorized my Deposit Account No. 03-3382.

Respectfully submitted



Clyde I. Coughenour
Reg. No. 33,083

Clyde I. Coughenour
16607 Sutton Place
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(703) 221-8677

cc: Jennifer M. McCallum
Frank L. Bruno



UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

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In re:
FRANK LOUIS BRUNO
370-50-2880
MARVA LOU PLUMMER BRUNO
510-64-6471
Debtors.

CASE NO. 03-15001 ABC
Chapter 7

MOTION TO APPROVE ADMINISTRATION OF DEBTORS' INTELLECTUAL
PROPERTY ASSET

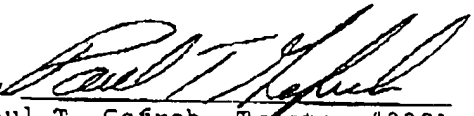
COMES NOW, Trustee, Paul T. Gefreh, and submits a Motion to Approve Administration of U.S. Patent No 6,378,166 ("the 166 Patent"), which forms part of Debtors, Frank and Marva Brunos' Chapter 7 bankruptcy estate. As grounds therefor, the Trustee states as follows:

1. Cornice Technologies has expressed a desire to purchase the "166 Patent" for \$5,000.00. The contract is attached hereto as exhibit 1.
2. It is in the best interest of the Debtors' creditors to administer this asset in order to make a distribution to creditors.
3. The "166 Patent" is currently an unencumbered asset, which can be freely transferred.

WHEREFORE, Paul T. Gefreh, Trustee, prays for an Order of this Court authorizing the administration of the "166 Patent" to Cornice Technologies, Inc. for \$5,000.00.

Respectfully Submitted

7/14/03
date

By 
Paul T. Gefreh, Trustee #8291
2125 N. Academy Blvd
Colorado Springs, CO 80909
(719) 596-9010
(719) 597-4534 (fax)



October 8, 2003

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Clyde Coughenour
Patent Agent
703-221-8677

Ref: Express Abandonment of Application Number 10/092523

Mr. Coughenour:

It was a pleasure to talk with you today. I appreciate your help with this matter and look forward to working with you.

As requested, please find a copy of the Motion to Approve Administration of Debtors' Intellectual Property Asset filed with the court on July 14th, 2003. The only patent listed on the Motion is the '166 patent because it was the only patent disclosed to Mr. Bruno's bankruptcy attorney and on the Schedule B of his Voluntary Petition for Chapter 7 Bankruptcy protection. The CIP was not disclosed at the time the bankruptcy petition was filed by Mr. Bruno but has since been disclosed to all relevant parties, hence our conversation today.

I would like to see quick resolution of this matter and feel a revival of the CIP is appropriate given that Mr. Bruno had no authority to authorize express abandonment at the time it was filed. Arguably, it was unintentional abandonment and deserves the two month period of time in which to revive the application.

Please let me know if you have any questions or concerns. I would appreciate a copy of all correspondence to or from the PTO on this matter.

Best regards,

Jennifer M. McCallum, Ph.D., Esq.

Cc: Paul T. Gefreh, Trustee